

From: [Braun, Gerry](#)
To: ana.molina@sen.ca.gov
Subject: CPRA bill
Date: Thursday, February 21, 2019 12:07:00 PM
Attachments: [2019_02_20_15_54_13.pdf](#)

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

As we discussed, the meet-and-confer process is desirable to defuse CPRA disputes because it will reduce or eliminate legal costs for CPRA requestors and responding agencies, and will result in earlier production of public records that were withheld by mistake or as the result of miscommunication.

Gerry

Gerry Braun
Chief of Staff
Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego CA 92101-1406

Tel: (619) 533-4782

Fax: (619) 236-7215

From: [Brieno, Aaron](#)
To: [Braun, Gerry](#)
Cc: [Molina, Ana](#)
Subject: RE: CPRA bill
Date: Friday, February 22, 2019 11:36:48 AM
Attachments: [image004.png](#)

Good Afternoon Gerry,

Thank you for reaching out to our office with this request. I had the language backed yesterday and about 10 mins ago crossed the language at the Senate Desk. The bill number assigned to this language is **SB 615 (Hueso)**- Public records: disclosure.

If you are available early next week to speak I would like to begin gathering further information regarding this proposal.

Best,

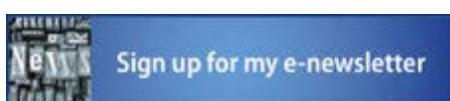
Aaron

Aaron Brieno

Legislative Director

Office of State Senator Ben Hueso, 40th District

Sacramento: (916) 651-4040 | Fax: 916-651-4940



Click on the button to receive Senator Hueso's newsletter or the twitter logo to follow Senator Hueso on Twitter.

From: Molina, Ana <Ana.Molina@sen.ca.gov>

Sent: Friday, February 22, 2019 11:00 AM

To: Braun, Gerry <GBraun@sandiego.gov>

Cc: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>

Subject: Re: CPRA bill

Gerry, Aaron Brieno, copied above, will handle this bill.

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <GBraun@sandiego.gov> wrote:

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From: [Molina, Ana](#)
To: [Braun, Gerry](#)
Subject: Re: CPRA bill
Date: Friday, February 22, 2019 10:49:17 AM

Hi Gerry, can you call me at (619) 254-1937?

On Feb 21, 2019, at 12:07 PM, Braun, Gerry <GBraun@sandiego.gov> wrote:

Ana,

Thank you and Sen. Hueso for considering adding City Attorney Mara Elliott's unbacked bill to your legislative portfolio.

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From: [Molina, Ana](#)
To: [Braun, Gerry](#)
Subject: RE: CPRA bill
Date: Thursday, February 21, 2019 12:16:59 PM

Thank you, Gerry. I will get back to you.

From: Braun, Gerry <GBraun@sandiego.gov>
Sent: Thursday, February 21, 2019 12:08 PM
To: Molina, Ana <Ana.Molina@sen.ca.gov>
Subject: CPRA bill
Importance: High

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From: [Braun, Gerry](#)
To: [Brieno, Aaron](#)
Subject: RE: CPRA bill
Date: Friday, February 22, 2019 12:34:00 PM
Attachments: [image004.png](#)

Thank you Aaron. We are excited that your office is carrying this important bill for City Attorney Elliott.

Let me know if Tuesday afternoon is good for you and I will schedule up a phone call.

Gerry

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Tel: (619) 533-4782
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From: Brieno, Aaron [mailto:Aaron.Brieno@sen.ca.gov]
Sent: Friday, February 22, 2019 11:37 AM
To: Braun, Gerry <GBraun@sandiego.gov>
Cc: Molina, Ana <Ana.Molina@sen.ca.gov>
Subject: RE: CPRA bill

Good Afternoon Gerry,

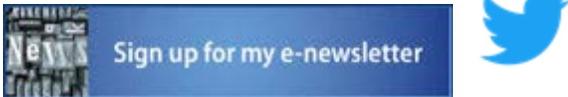
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To: Braun, Gerry <GBraun@sandiego.gov>

Cc: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>

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From: [Molina, Ana](#)
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Cc: [Brieno, Aaron](#)
Subject: Re: CPRA bill
Date: Friday, February 22, 2019 11:00:31 AM

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<2019_02_20_15_54_13.pdf>

From: [Braun, Gerry](#)
To: [Brieno, Aaron](#)
Subject: Call when you can
Date: Friday, March 01, 2019 3:06:00 PM

Gerry Braun
Chief of Staff
Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego CA 92101-1406

Tel: (619) 533-4782

Fax: (619) 236-7215

From: [Braun, Gerry](#)
To: [Brieno, Aaron](#)
Subject: City of San Diego Public Record Act Requests by Fiscal Year
Date: Tuesday, February 26, 2019 5:28:00 PM

Aaron,

Per your request

City of San Diego Public Record Act Requests by Fiscal Year

2012:	749	source: City Clerk
2013:	1,207	source: City Clerk
2014:	1,299	source: City Clerk
2015:	1,955	source: City Clerk
2016:	2,936	source: Public Records Administration
2017:	3,812	source: Public Records Administration
2018:	4,824	source: Public Records Administration

The change in source reflects the City's creation of a Public Records Administration group within the Communications Department, and, roughly, the use of the NextRequest system.

Gerry

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From: [Molina, Ana](#)
To: [Braun, Gerry](#)
Subject: FW: SB 615 questions
Date: Monday, February 25, 2019 4:23:33 PM
Attachments: [image001.png](#)

Gerry,

We referred the Voice to your office as we are still awaiting background and supporting materials from your office. Typically and in the interim, a sponsor responds to media inquiries about the substance of the bill. Can you have someone call this reporter?

Thank you.

Ana

From: Hickey, Erin <Erin.Hickey@sen.ca.gov>
Sent: Monday, February 25, 2019 4:10 PM
To: Molina, Ana <Ana.Molina@sen.ca.gov>
Subject: FW: SB 615 questions
Importance: High

From: Sara Libby <sara.libby@voiceofsandiego.org>
Sent: Monday, February 25, 2019 4:10 PM
To: Hickey, Erin <Erin.Hickey@sen.ca.gov>
Subject: SB 615 questions
Importance: High

Hi Erin,

Per our conversation, we're hoping to get answers ASAP on this bill and I'd like to run a story tomorrow. Fwiw, you advised we contact the city attorney's office to get details on the bill – per that advise, we reached out, and they told us to get details from your office. So we're really hoping someone can shed some light on this.

What's the reasoning behind the bill, and what do you see as the need for it?

Having extensive experience trying to secure public records, I can say it would be nearly impossible to prove an agency “knowingly, willfully, and without substantial justification” failed to respond to a PRA. How would it even work to prove that?

The CPRA currently doesn't get into intent – why aim for a significant departure? Are there any concerns this will effectively make it impossible to enforce the act in court?

The proposal appears to place the “meet and confer” burden entirely on the public. What would

happen if a public agency refuses?

It feels like the trend in state law has been to open up more records to the public and make the process more accessible – this appears to go in the opposite direction and place an additional burden on the public. Can you explain that departure?

Thanks for your help. Am very interested in hearing from the senator directly if he has any spare moments.

Best,
Sara

Sara Libby
MANAGING EDITOR
sara@voiceofsandiego.org
Desk: (619) 325-0526
Twitter: [@SaraLibby](#)



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From: [Braun, Gerry](#)
To: [Molina, Ana](#)
Subject: FW: Sen. Hueso PRA bill
Date: Monday, February 25, 2019 4:45:00 PM
Attachments: [image001.png](#)

Here's what I sent to Scott. Aaron basically wrote it for me.

Gerry

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San Diego CA 92101-1406

Tel: (619) 533-4782
Fax: (619) 236-7215

From: Braun, Gerry
Sent: Monday, February 25, 2019 4:00 PM
To: 'Scott Lewis' <scott.lewis@voiceofsandiego.org>
Subject: RE: Sen. Hueso PRA bill

Hi Scott,

Following Sacramento protocol, we are working with Sen. Hueso's Office, which is developing a fact sheet on SB 615. It should be available in a matter of days, when it will be released by the Senator's office.

Gerry

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Tel: (619) 533-4782
Fax: (619) 236-7215

From: Scott Lewis [<mailto:scott.lewis@voiceofsandiego.org>]
Sent: Monday, February 25, 2019 3:34 PM
To: Braun, Gerry <GBraun@sandiego.gov>
Subject: RE: Sen. Hueso PRA bill

This is getting some statewide attention. Thoughts?

Scott Lewis
(619) 325-0527

From: Scott Lewis
Sent: Monday, February 25, 2019 2:05 PM
To: 'gbraun@sandiego.gov' <gbraun@sandiego.gov>
Subject: FW: Sen. Hueso PRA bill

Hi Gerry, see below. I called and left a message for Hilary but now I see Hilary's out for a few days. What can you tell me here?

Scott Lewis
(619) 325-0527

From: Scott Lewis
Sent: Monday, February 25, 2019 2:04 PM
To: 'hnemchik@sandiego.gov' <hnemchik@sandiego.gov>
Subject: Sen. Hueso PRA bill

Hi Hilary,

We checked in with Sen. Ben Hueso's office about a new bill he's proposing. SB-615 would substantially change how the public could sue governments for non compliance with the Public Records Act.

His office said it was a bill the city attorney wrote and wanted. Can you connect me with someone who can explain why? Or anything else?

Scott

Scott Lewis
CEO & EDITOR IN CHIEF
scott.lewis@voiceofsandiego.org
(619) 325-0527

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From: [Brieno, Aaron](#)
To: [Braun, Gerry](#)
Subject: Re: Call when you can
Date: Friday, March 01, 2019 3:36:50 PM

Hi Gerry,

I am in a meeting that will be concluding in about 15-20 mins but then can call you then.

-AB

Sent from my iPhone

On Mar 1, 2019, at 3:06 PM, Braun, Gerry <GBraun@sandiego.gov> wrote:

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Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego CA 92101-1406

Tel: (619) 533-4782

Fax: (619) 236-7215

From: [Brieno, Aaron](#)
To: [Braun, Gerry](#)
Subject: RE: DRAFT FACT SHEET ON SB 615.docx
Date: Monday, February 25, 2019 4:40:39 PM
Attachments: [image005.png](#)

Hi Gerry,

Do you happen to have a second to speak between now and 5:45pm? If so, I will give you a call.

Best,

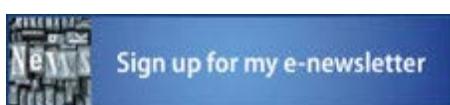
Aaron

Aaron Brieno

Legislative Director

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Sent: Monday, February 25, 2019 2:10 PM
To: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>
Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Aaron – can you give me a call?

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From: Brieno, Aaron [<mailto:Aaron.Brieno@sen.ca.gov>]
Sent: Monday, February 25, 2019 1:37 PM
To: Braun, Gerry <GBraun@sandiego.gov>; Molina, Ana <Ana.Molina@sen.ca.gov>
Cc: Gersten, William <WGersten@sandiego.gov>

Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Good Afternoon Gerry,

Thank you for sending over the edited version of your background document.

I am also hoping that you can provide our office with statistics from the last 2-3 years that indicate how much money the City used to fulfill these overly broad PRA requests?

If you are free this afternoon or tomorrow morning I would like to schedule a call with you to discuss this bill proposal in further detail. I have several additional questions regarding this policy proposal that I would like to discuss with you.

Best,

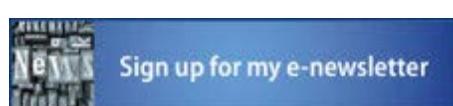
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From: Braun, Gerry <GBraun@sandiego.gov>

Sent: Monday, February 25, 2019 12:38 PM

To: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>; Molina, Ana <Ana.Molina@sen.ca.gov>

Cc: Gersten, William <WGersten@sandiego.gov>

Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Thanks Aaron,

The City Attorney has returned from Closed Session and is reviewing my draft. She may have edits.

Gerry

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Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Good Afternoon Gerry and Bill,

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From: Braun, Gerry <GBraun@sandiego.gov>

Sent: Monday, February 25, 2019 12:25 PM

To: Molina, Ana <Ana.Molina@sen.ca.gov>

Cc: Gersten, William <WGersten@sandiego.gov>; Brieno, Aaron <Aaron.Brieno@sen.ca.gov>

Subject: DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

From: [Braun, Gerry](#)
To: [Brieno, Aaron](#)
Subject: RE: DRAFT FACT SHEET ON SB 615.docx
Date: Monday, February 25, 2019 2:09:00 PM
Attachments: [image006.png](#)

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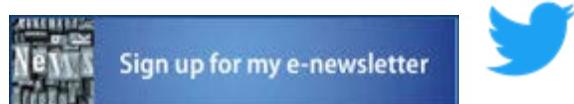
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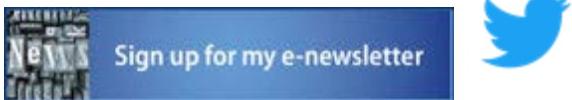
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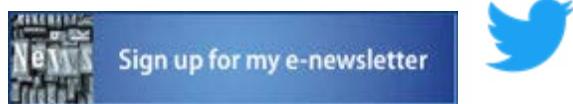
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Without typo.

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To: [Braun, Gerry](#); [Molina, Ana](#)
Cc: [Gersten, William](#)
Subject: RE: DRAFT FACT SHEET ON SB 615.docx
Date: Monday, February 25, 2019 12:35:12 PM
Attachments: [image004.png](#)

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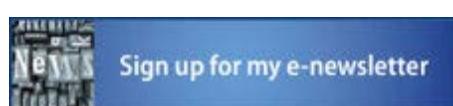
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Gerry

From: [Braun, Gerry](#)
To: [Brieno, Aaron](#)
Subject: RE: DRAFT FACT SHEET ON SB 615.docx
Date: Monday, February 25, 2019 4:45:00 PM
Attachments: [image005.png](#)

I'm free now.

Gerry Braun
Chief of Staff
Office of the City Attorney
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Tel: (619) 533-4782
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From: Brieno, Aaron [mailto:Aaron.Brieno@sen.ca.gov]
Sent: Monday, February 25, 2019 4:41 PM
To: Braun, Gerry <GBraun@sandiego.gov>
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Aaron

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Sacramento: (916) 651-4040 | Fax: 916-651-4940



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From: Braun, Gerry <GBraun@sandiego.gov>
Sent: Monday, February 25, 2019 2:10 PM
To: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>
Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Aaron – can you give me a call?

Gerry Braun
Chief of Staff
Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego CA 92101-1406

Tel: (619) 533-4782
Fax: (619) 236-7215

From: Brieno, Aaron [<mailto:Aaron.Brieno@sen.ca.gov>]
Sent: Monday, February 25, 2019 1:37 PM
To: Braun, Gerry <GBraun@sandiego.gov>; Molina, Ana <Ana.Molina@sen.ca.gov>
Cc: Gersten, William <WGersten@sandiego.gov>
Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Good Afternoon Gerry,

Thank you for sending over the edited version of your background document.

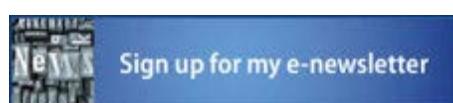
I am also hoping that you can provide our office with statistics from the last 2-3 years that indicate how much money the City used to fulfill these overly broad PRA requests?

If you are free this afternoon or tomorrow morning I would like to schedule a call with you to discuss this bill proposal in further detail. I have several additional questions regarding this policy proposal that I would like to discuss with you.

Best,

Aaron

Aaron Brieno
Legislative Director
Office of State Senator Ben Hueso, 40th District
Sacramento: (916) 651-4040 | Fax: 916-651-4940



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From: Braun, Gerry <GBraun@sandiego.gov>

Sent: Monday, February 25, 2019 12:38 PM
To: Brieno, Aaron <Aaron.Brieno@sen.ca.gov>; Molina, Ana <Ana.Molina@sen.ca.gov>
Cc: Gersten, William <WGersten@sandiego.gov>
Subject: RE: DRAFT FACT SHEET ON SB 615.docx

Thanks Aaron,

The City Attorney has returned from Closed Session and is reviewing my draft. She may have edits.

Gerry

Gerry Braun
Chief of Staff
Office of the City Attorney
1200 Third Avenue, Suite 1620
San Diego CA 92101-1406

Tel: (619) 533-4782
Fax: (619) 236-7215

From: Brieno, Aaron [<mailto:Aaron.Brieno@sen.ca.gov>]
Sent: Monday, February 25, 2019 12:35 PM
To: Braun, Gerry <GBraun@sandiego.gov>; Molina, Ana <Ana.Molina@sen.ca.gov>
Cc: Gersten, William <WGersten@sandiego.gov>
Subject: RE: DRAFT FACT SHEET ON SB 615.docx

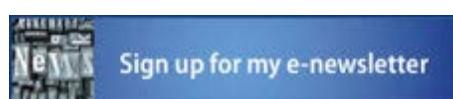
Good Afternoon Gerry and Bill,

Thank you for providing this background information for SB 615 (Hueso), for now I will be the staffer handling this bill for Senator Hueso and will be in contact with you if I need additional information on this issue.

Best,

Aaron

Aaron Brieno
Legislative Director
Office of State Senator Ben Hueso, 40th District
Sacramento: (916) 651-4040 | Fax: 916-651-4940



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Hueso on Twitter.

From: Braun, Gerry <GBraun@sandiego.gov>
Sent: Monday, February 25, 2019 12:25 PM
To: Molina, Ana <Ana.Molina@sen.ca.gov>
Cc: Gersten, William <WGersten@sandiego.gov>; Brieno, Aaron <Aaron.Brieno@sen.ca.gov>
Subject: DRAFT FACT SHEET ON SB 615.docx

Without typo.

Gerry

From: [Brieno, Aaron](#)
To: [Braun, Gerry](#)
Subject: SB 615 (Hueso) Fact Sheet
Date: Thursday, February 28, 2019 2:30:46 PM
Attachments: [image004.png](#)
[Fact Sheet SB 615.pdf](#)

Good Afternoon Gerry,

Hope you are doing well, attached you will find the finalized fact sheet for SB 615 (Hueso).

Might you have sometime in the next few minutes for a quick call?

Best,

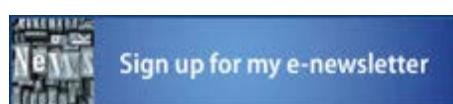
Aaron

Aaron Brieno

Legislative Director

Office of State Senator Ben Hueso, 40th District

Sacramento: (916) 651-4040 | Fax: 916-651-4940



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